



IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.

Dated: June 11, 2009

Craig A. Gargotta
CRAIG A. GARGOTTA
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
MIDLAND DIVISION**

IN RE:

ACM-TEXAS, LLC,

Debtor.

CASE NO. 08-70200-CAG

Chapter 7

**TEXAS ARCHITECTURAL
AGGREGATE,**

Plaintiff

v.

**ACM-TEXAS, LLC, and APPLIED
CHEMICAL MAGNESIAS,**

Defendants.

ADV. NO. 08-7012

**ORDER GRANTING IN PART, AND DENYING IN PART,
PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

On April 15, 2009, came on to be heard the Motion for Partial Summary Judgment (the "Motion") filed on behalf of the Plaintiff in the above-styled and numbered adversary proceeding.

After consideration of the parties' arguments, the summary judgment evidence, the pleadings (the Motion, the Defendants's Response, and the Plaintiff's Reply and Supplemental Reply), as well as the authorities, the Court ruled at the conclusion of the hearing that the Motion should be granted in part and denied in part, and reserved ruling and invited further briefing on other issues. Having now issued its Memorandum Opinion deciding those reserved issues, the Court finds that the following orders should be entered.

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion for Partial Summary Judgment shall be, and hereby is, GRANTED and judgment shall be entered in favor of Plaintiff dismissing, as barred under Texas Civil Practice & Remedies Code § 16.004(a), any and all claims of the Defendants for breach of contract and specific performance of the April 2, 1999 letter, including any defensive use of such claims.

IT IS FURTHER ORDERED that all other relief requested under the Plaintiff's Motion for Partial Summary Judgment shall be, and hereby is, DENIED.

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